

Message Text

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TO USMISSION OECD PARIS

C O N F I D E N T I A L STATE 057424

EXCON

EO 11652: XGDS-1

TAGS: ESTC, COCOM

SUBJ: REVISED GENERAL EXCEPTIONS PROCEDURE

REFS: A. ANNEX TO COCOM DOC PROC(73)8

B. OECD PARIS 8631

1. WE APPRECIATE FULL REPORT CONTAINED REF. B AND DEL' S HANDLING OF DIFFICULT AND COMPLEX SITUATION. MOST OF PREVIOUS PROBLEMS WITH OTHER PC' S PROPOSALS HAVE BEEN DISPOSED OF, THOUGH WE STILL HAVE RESERVATIONS ON TWO SPECIFIC POINTS AS NOTED BELOW. IN VIEW OF TIME LIMIT INVOLVED, WE ARE ATTEMPTING HEREIN TO DISPOSE OF THEM IN THE SIMPLEST AND MOST DIRECT WAY POSSIBLE.

2. RE PARA 3 REF. B, WE STILL HAVE CONSIDERABLE DOUBTS ABOUT THE DESIRABILITY OF SEPARATE DEADLINES FOR DIFFERENT RESERVING DELEGATIONS SINCE THIS CONSTITUTES AN UNNECESSARILY COMPLICATED PROCEDURE INEQUITABLE IN PRINCIPLE. WE WILL ACCEPT IT RELUCTANTLY, SINCE IT APPLIES ONLY TO THE
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14- DAY LIMITS. (THE 90- DAY LIMIT IS OBVIOUSLY A COMMON ONE BY THE TERMS OF PARA 4(A)(IV)). HOWEVER, THE TACTICAL SITUATION IN A GIVEN CASE MIGHT REQUIRE US TO VIEW IN A RATHER RELAXED WAY PRESSURE ON THE US FOR A FINAL POSITION WHEN ANOTHER DEL IS PERMITTED TO REMAIN IN RESERVE.

3. RE PARA 4 REF. B, WE CAN ACCEPT RETENTION OF PARA 4 OF GUIDELINES EXCEPT FOR FINAL PHRASE REFERRING TO THE 90- DAY LIMIT ON WHICH WE HAD PREVIOUSLY COMMENTED. WE AGREE OF COURSE THAT THE PROCEDURE DOES NOT PERMIT THE POSING OF QUESTIONS AFTER THIS LIMIT EXPIRES IN ACCORDANCE WITH PARA 4(A)(IV). IF THE ONLY PURPOSE OF THE PHRASE IS TO STATE THIS, IT IS CLEARLY UNNECESSARY SINCE PARA 4(A)(IV) IS UNEQUIVOCAL IN SETTING A " FINAL DATE". THERE IS STILL NO ADEQUATE EXPLANATION FOR INCLUSION OF THE PHRASE, AND WE CONTINUE TO FEEL THAT, IN THE CONTEXT, IT DIRECTLY CONFLICTS WITH THE PROCEDURE ITSELF AND CASTS DOUBT ON THE MEANING OF PARA 4(A)(IV). WE WOULD HOPE THAT DEL CAN CONVINCE OTHER DELS ON BASIS OF THESE CONSIDERATIONS TO AGREE TO DELETION OF THE PHRASE.

4. ON " PROVISIO" ISSUE (PARA 5 FF OF REF. B), WE ARE NOT CONCERNED OVER THE FORM THIS TAKES. THE OUTCOME OF THE DISCUSSION APPEARS SATISFACTORY TO US, PARTICULARLY IN THE LIGHT OF THE CHAIRMAN' S CONCLUSION, AND THIS SOLUTION IS ACCEPTABLE IF DEL IS CONVINCED THAT IT IS WORKABLE.

5. IN SUM, DEL MAY LIFT RESERVE AND ACCEPT REVISED PROCEDURE AND GUIDELINES PROVIDED FINAL PHRASE OF PARA 4 OF GUIDELINES IS DELETED. ROGERS

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